

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WYLIE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY, ZONING CASE NUMBER 2014-11, FROM PLANNED DEVELOPMENT (PD-2006-55) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT – TO MODIFY THE PD CONDITIONS TO ALLOW NO MORE THAN 2 GARAGE DOORS TO FACE THE STREET; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Wylie, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected property, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance of the City of Wylie, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Wylie, to give the hereinafter described property a new zoning classification of Planned Development (PD), said property being described in Exhibit “A” (Legal Description), Exhibit “B” (PD Conditions) attached hereto and made a part hereof for all purposes.

SECTION 2: That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3: That the above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

SECTION 4: Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, commits an unlawful act and shall be subject to the general penalty provisions of Section 1.5 of the Zoning Ordinance, as the same now exists or is hereafter amended.

Ordinance No. 2015-02

Amending Planned Development 2006-55 (PD-2006-55), Section IV Specific Regulations

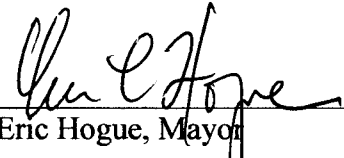
Allow no more than 2 garage doors to face the street

SECTION 5: Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


SECTION 6: This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

SECTION 7: The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 13th day of January, 2015.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

DATE OF PUBLICATION: 1/21/15, in the



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Amending Planned Development 2006-55 (PD-2006-55), Section IV Specific Regulations

Allow no more than 2 garage doors to face the street

Exhibit "A"
Legal Description

Being a 61.26 acre tract of land located in the Allen Atterberry Survey, Abstract No. 23, and a portion part of a called 86.6 acre tract described to S.H. Hood, as recorded in Volume 291, Page 167, Collin County Deed Records (C.C.D.R.), and being described by metes and bounds as follows;

COMMENCING at a found 3/8 inch diameter iron rod located on the South line of said Allen Atterberry Survey, the North line of the D.W. Williams Survey, Abstract No. 980, the Northeast corner of a tract of land described to Thelma Rice, as recorded in Volume 561, Page 266, C.C.D.R., the Southeast corner of a tract of land recorded to Tommy & Tori Pulliam, as recorded in Volume 4590, Page 1895, C.C.D.R., and the West right-of-way line of F.M. 544 (90' ROW), as recorded in Volume 568, Page 21, C.C.D.R.;

THENCE North 89 degrees 32 minutes 50 seconds West, along the South line of said Atterberry Survey and the North line of said Williams Survey, a distance of 648.87 feet to a 5/8 inch diameter iron rod marking the POINT OF BEGINNING and being the Southwest corner of said Pulliam tract;

THENCE North 89 degrees 32 minutes 50 seconds West, continuing along the South line of said Atterberry Survey and the North line of said Williams Survey, the North line of said Rice tract, the North line of a tract of land described to Darlene R. Ceilley, as recorded in Volume 4977, Page 504, C.C.D.R., North line of a tract of land described to Edwin W. Klingbeil, as recorded in Volume 4977, Page 504, C.C.D.R., and the North line of a tract of land described to Robert L. Klingbeil, as recorded in Volume 5250, Page 3809, C.C.D.R., a distance of 1635.45 feet to a found 1/2 inch iron rod in concrete being the Southeast corner of the Twin Lakes Phase V subdivision, as recorded in Volume 5588, Page 3164, Collin County Plat Records, and marking the Southwest corner of the herein described tract;

THENCE North 00 degrees 51 minutes 52 seconds East, leaving said common Survey line and along the East line of said Twin Lakes Phase V subdivision a distance of 1405.70 feet to a 5/8 inch diameter iron rod being the Northeast corner of said Twin Lakes Phase V Subdivision, and the South line of a tract of land described to Steven Combest, as recorded in Volume 3743, Page 219, C.C.D.R., marking the Northeast corner of herein described tract;

THENCE South 89 degrees 18 minutes 39 seconds East, along the south lines of said Combest tract, a tract of land described to Jesse Candelas, as recorded in Volume 4871, Page 1327, C.C.D.R., a tract of land described to Martha Sheppard, as recorded in Plat Book 84, Page 338, C.C.D.R., a tract of land described to Terry and Cassandra Carlisle, as recorded in Volume 3011, Page 202, C.C.D.R., a tract of land described to James Heintz, as recorded in Volume 5400, Page 2520, C.C.D.R., a tract of land described to Billy D. Duncan, a tract of land described to James & Donna Trevino, as recorded in Volume 4501, Page 1617, C.C.D.R., a tract of land described to Sandra Benton, as recorded in Volume 4761, Page 1510, C.C.D.R., a tract of land described to Close Family Living Trust, as recorded in Volume 5249, Page 5919, C.C.D.R., a tract of land described to Sam Terry, a tract of land described to David & Julie Black, as recorded in

94-0063489, C.C.D.R., and a tract of land described to Merie & Sheri Little, as recorded in 93-0080940, C.C.D.R., a distance of 1492.50 feet to a found 1/2 inch diameter iron rod in a pecan tree, being the Northwest corner of a tract of land described to Brent & Beverly Bates, as recorded in 96-0018275, C.C.D.R., for the North Northeast corner of the herein described tract;

THENCE South 02 degrees 39 minutes 12 seconds East, along the west line of said Bates tract, a distance of 331.53 feet to a set 1/2 inch diameter iron rod with cap stamped "TRI-TECH" being the Southwest corner of said Bates tract and an interior corner of the herein described tract;

THENCE South 89 degrees 27 minutes 31 seconds East, along the south line of Said Bates tract, a distance 684.24 feet to a set 1/2 inch diameter iron rod with cap stamped "TRI-TECH" being the Southeast corner of said Bates tract and on the West right-of-way line of said F.M. 544, marking the East Northeast corner of the herein described tract;

THENCE South 02 degrees 37 minutes 38 seconds East, along the West right-of-way line of said F.M. 544, a distance of 179.98 feet to a found 5/8 inch diameter iron rod;

THENCE South 04 degrees 02 minutes 47 seconds East, continuing along the West right-of-way line of said FM. 544, a distance 534.62 feet to a found 5/8 inch diameter iron rod being the Northeast corner of said Pulliam tract and marking the East Southeast corner of herein described tract;

THENCE North 89 degrees 32 minutes 51 seconds West, leaving said right-of-way and along the North line of said Pulliam tract, a distance of 621.02 feet to a found 5/8 inch diameter iron rod being the Northwest corner of said Pulliam tract and an interior corner of herein described tract;

THENCE South 00 degrees 26 minutes 32 seconds West, along the West line of said Pulliam tract, a distance of 354.71 feet to the POINT OF BEGINNING and containing 61.26 acres or 2,668,568 square feet.

Exhibit "B"

Request change in Exhibit "B" of Ordinance No. 2006-55, Zoning Case 2006-11

IV. Specific Regulations:

3. Alleys shall not be required as part of this Planned Development. However, no garages shall face the street in front of each Single family Lot. This can be accomplished either through swing driveways or alleys. However, when three car garages are constructed on a lot and a "2&1" configuration is used, the single car door may face the street. Garages may face the street on a corner lot side yard.

Requested addition of the following under IV. Specific Regulations:, 3.

However, when four or five car garages are constructed on a lot there may be no more than 2 garage doors facing the street in either a "3&2" configuration or a "2&2" configuration. A "3&1" configuration shall also be acceptable in the construction of a four car garage. All garage doors that face the street shall contain an architectural upgraded door with decorative door hardware.



STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, on this day personally appeared Chad Engbrock, publisher of C & S Media, dba *The Wylie News*, a newspaper regularly published in Collin County, Texas and having general circulation in Collin County, Texas, who being by me duly sworn, deposed and says that the foregoing attached:

**City of Wylie
Ordinance No. 2015-02
was published in said newspaper on the following dates, to-wit:
January 21, 2015**

Chad Engbrock, Publisher

Subscribed and sworn before me on this, the 21 day of Jan, 2015
to certify which witness my hand and seal of office.



Notary Public in and for
The State of Texas

My commission expires 9-2-16

**Ordinance No.
2015-02**

An Ordinance of the City of Wylie, Texas, amending the Comprehensive Zoning Ordinance of the City of Wylie, as heretofore amended, so as to change the zoning on the hereinafter described property, Zoning Case Number 2014-11, from Planned Development (PD) District - to modify the PD conditions to allow no more than 2 garage doors to face the street; providing for a penalty for the violation of this Ordinance; providing for the violation of all Ordinances in conflict; providing a severability clause; and providing for an effective date.